



EXECUTIVE ORDER NO. 02-2015

**ESTABLISHMENT AND EXECUTION OF OPERATION TÓ LITSO
("YELLOW WATER")**

**THE NAVAJO NATION
EXECUTIVE ORDER NO. 02-2015**

August 11, 2015

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and programs of the Navajo Nation. 2 N.N.C. 1005 (A).
2. The President shall have the enumerated power to issue an executive order for the purpose of interpreting, implementing or giving administrative effect to the statutes of the Navajo Nation in the manner set forth in such statutes. 2 N.N.C. 1005 (C)(14).
3. An executive order shall have the force of law upon receipt. *Id.*
4. On August 5, 2015, the United States Environmental Protection Agency caused the spill of the Gold King Mine, which released over 3 million gallons of toxic waste into the Cement Creek. The contaminants have flowed into the Animas River and have now entered the San Juan River and will soon flow into the Colorado River.
5. The scope of contaminants in the Nation's waters remain unknown, but U.S. EPA has warned counties, cities, municipalities and the Navajo Nation to stay away from the water and to stop any diversion of the San Juan River.
6. On August 8, 2015, the Navajo Nation President and Vice-President issued an Executive Order to Declare a State of Emergency to immediately pool all the resources of the Navajo Nation Divisions to begin preparing for the impact to the Navajo Nation and to address the immediate needs of the Navajo people.
7. The sludge has now entered the waters of the Navajo Nation, and the Navajo people along the San Juan River now have uncertain access to clean water to drink, water for their sheep and cattle and water to irrigate their fields. The Nation's public water reserve is quickly depleting and our people will no longer have access to water within a few weeks. The many Navajo people who live along the river no longer know whether their well water is usable, and many are without water because they are abstaining from using their water as a precautionary measure.
8. The Navajo Nation has deployed its Executive Division resources to immediately respond to this disaster. We are patrolling the San Juan River to ensure our people are not entering the water. Navajo Tribal Utility Authority has water tanks deployed and stand ready to ensure our people have access to clean water. Our Emergency Management Department is coordinating

with the U.S. EPA, but as the sludge courses along the 215-mile-long riverbed of the Navajo Nation, the impact will be catastrophic, and thousands of our people will be affected.

9. To effectively address the immediate needs and impact, we must establish an organized and coordinated effort within the Navajo Nation Government so as to utilize our resources efficiently and wisely.
10. The Navajo Nation President will create an Operation Team to coordinate the efforts of all the Divisions, Enterprises and Entities of the Navajo Nation to ensure a chain of command and organized team to do all things necessary to mitigate the impact from the Gold King Mine toxic spill.

NOW THEREFORE,

We, Russell Begaye and Jonathan Nez, by the authority vested in us as President and Vice-President of the Navajo Nation, hereby order:

1. The establishment of Operation Tó litso.
2. Operation Tó litso shall operate pursuant to the Navajo Nation Strategic and Operational Management Chart. (Exhibit "A").
3. All Divisions, Enterprises and Entities to immediately comply with Operation Tó litso and re-organize within each Division as necessary to be able to carry out its appropriate role within the Strategic and Operational Management Chart. Each Division Director shall make staff available as requested and as necessary to carry out and execute Operation Tó litso.
4. Consistency with law. The provisions of this order shall be implemented consistent with the laws of the Nation and shall consider the highest welfare of the Navajo people.

Executed on this 11th day of August, 2015.

THE NAVAJO NATION:


Russell Begaye, *President*


Jonathan Nez, *Vice-President*

ATTEST:


Ethel Branch, *Attorney General*
THE NAVAJO NATION

Exhibit - A





Operation Tó ʼítso (Yellow Water)
Navajo Nation Strategic Management Command

August 12, 2015; 1:00 p.m.



NAVAJO NATION:


Russell Begaye, President


Jonathan Nez, Vice-President



Operation Tó ʼitso (Yellow Water)


Northern Agency Partnership Shiprock Incident Command Post

August 12, 2015; 1:00 p.m.



NAVAJO NATION:


Russell Begaye, President


Jonathan Nez, Vice-President